

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JANUARY 13, 2004 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Order of Business

ITEM-30: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard).

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue items scheduled for this morning's session. Requests to continue items scheduled to be heard at this afternoon's session will be taken at 2:00 p.m.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Exempting One Program Manager Position from the Classified Service for the Water Department.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 12/8/2003.
- ITEM-51: Exempting One Program Manager Position from the Classified Service at Qualcomm Stadium.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 12/8/2003.
- ITEM-52: Optimization of Sewer Spill Reduction Program.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 12/1/2003.
- ITEM-53: Beyer Boulevard Rezoning. RZ No. 10375. San Ysidro Community Plan Area. (Dist. 8)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 12/2/2003.
- ITEM-54: Walgreens 32nd Street Rezoning. RZ No. 9055. Greater North Park Community Plan Area. (Dist. 3)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 12/9/2003.
- ITEM-55: Dedicating City-Owned Land as Public Park – Home Avenue Park Site. Mid-City and City Heights Community Areas. (Dist. 4)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 12/8/2003.
- ITEM-56: Two actions related to the Agreements Relating to the Construction of Phase I - Pershing Middle School Joint Use Facility. Navajo Community Area. (Dist. 7)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances which were introduced on 12/8/2003.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-57: Amendment to the Public Use Lease for Parcel A – Las Americas. San Ysidro Community Area. (Dist. 8)
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinance which was introduced on 12/9/2003.
- ITEM-58: Amending the San Diego Municipal Code Relating to Signs.
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinance which was introduced on 12/1/2003.
- ITEM-59: Amending the San Diego Municipal Code Relating to Installation of Fire Sprinklers in High-Rise Buildings. Centre City Community Area. (Dist. 2)
CITY COUNCIL’S RECOMMENDATION: Adopt the ordinance which was introduced on 12/8/2003.
- ITEM-60: Amend Municipal Code Section 26.16, Concerning Citizens Equal Opportunity Commission.
CITY MANAGER’S RECOMMENDATION: Introduce the ordinance.
- ITEM-61: Amending the San Diego Municipal Code to Add a Member to the Balboa Park Committee. Balboa Park Community Area. (Dist. 3)
CITY MANAGER’S RECOMMENDATION: Introduce the ordinance.
- ITEM-62: Cherokee Point Elementary School Joint Use Agreement. Mid City Community Area. (Dist. 3)
CITY MANAGER’S RECOMMENDATION: Introduce the ordinance.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-100: Proposed 2004 State and Federal Legislative Programs.
RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 12/3/2003, RULES voted 5 to 0 to approve all of the City Manager's recommendations.
- ITEM-101: Inviting Bids for the Construction of the Balboa Trunk Sewer. Clairemont Mesa Community Area. (Dist. 6)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/19/2003, NR&C voted 4 to 0 to approve.
- ITEM-102: Inviting Bids for the Construction of Mid City Transit Gateways Project, Phase 2. City Heights, Normal Heights, and Kensington Community Areas. (Dist. 3)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Metro Biosolids Center Access Platforms and Hoists Installation & Lime Mixers Modification.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/19/2003, NR&C voted 4 to 0 to approve.
- ITEM-104: Two actions related to Additional Funding for Sewer Pump Station 30A Alternative. University City Community Area. (Dist. 1)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/19/2003, NR&C voted 4 to 0 to approve.
- ITEM-105: Transfer of Funds - Torrey Pines Golf Course and Qualcomm Stadium Fuel Tanks Procurement. Mission Valley and Torrey Pines Community Areas. (Dists. 1 and 6)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: FBA Credit and Reimbursement Agreement with D. R. Horton San Diego Holding Company for Del Mar Heights Road Pipeline Relocation. Torrey Highlands Community Area. (Dist. 1)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-107: Consultant Agreement for Preliminary Engineering Analysis for Genesee Avenue Project. North University City Community Area. (Dist. 1)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Water Resources – Instant Hot Water Delivery System Pilot Project.
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-109: FY 2003 State Homeland Security Grant Program - Part II, Critical Infrastructure Program.
OFFICE OF HOMELAND SECURITY’S RECOMMENDATION:
Adopt the resolution.
- ITEM-110: Accepting Donation from STAR/PAL for La Mirada Elementary School Joint Use Improvements. San Ysidro Community Area. (Dist. 8)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Exclusive Sale of Property to San Diego Unified School District. Golden Hill and Logan Heights Community Areas. (Dist. 8)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Sale of Excess Camino Del Sur (Camino Ruiz) Right-of-Way. Torrey Highlands Community Area. (Dist. 1)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Sewer Easement Vacation in Portions of Lots 8, 14 through 19 of Dos Pueblos Unit No. 1, Map No. 10312 and Portions of Parcels 1 and 2 of Parcel Map 14577. Mission Valley Community Area. (Dist. 6)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Sewer Easement Vacation in Lots “E” and “F”, Block 106 of Horton’s Addition, Map 369. Centre City Community Area. (Dist. 2)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-115: Sewer Group Job 630 – Sewer Easement Abandonment. Southeastern San Diego Community Area. (Dist. 4)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-116: Symbolic Flag of the Vietnamese Federation of San Diego.
MAYOR MURPHY’S AND COUNCILMEMBERS ATKINS’ AND MAIENSCHIN’S RECOMMENDATION: Adopt the resolution.
- ITEM-117: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Dist. 8)
TODAY’S ACTION IS: Adopt the resolution.
- ITEM-118: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (Dist. 8)
TODAY’S ACTION IS: Adopt the resolution.
- ITEM-119: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY’S ACTION IS: Adopt the resolution.
- ITEM-120: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY’S ACTION IS: Adopt the resolution.
- ITEM-121: Declaring a Continued Local Emergency Due to the October 2003 Wildfires.
TODAY’S ACTION IS: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Committee Item

ITEM-150: Two actions related to Alternative Water Sources and Second Amendment to Agreement with Powell/PBS&J for Water Planning/Water Resources Consulting Services.

NATURAL RESOURCES AND CULTURE COMMITTEE'S

RECOMMENDATION: On 11/19/2003, NR&C voted 5 to 0 to authorize the City Manager to embark on a year long study on all aspects of water reuse, include potable reuse as well as all other alternative water supply issues. The study shall include a general assessment of costs and benefits of such projects including, but not limited to, consideration of public health, public acceptance, water costs, water supply reliability issues, compilation of research/studies concerning reservoir augmentation and information concerning potential impacts of pharmaceuticals, endocrine disruptors, personal care products, and additional constituents of the wastewater stream on water quality and health.

Adoption Agenda, Discussion, Other Legislative Item

ITEM-200: San Diego Sustainable Community Program.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Special Hearing, Discussion

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8 – Qualcomm Stadium.
There is no Council discussion of this item. The City Council's actions are: 1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearing, Discussion

ITEM-330: Carmel Valley Trunk Sewer. Torrey Highlands and Pacific Highlands Ranch Community Plan Areas. (Dist. 1)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in Subitems A and C; and adopt the resolution in Subitem B to grant the permit.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDER OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

11/10/2003 - Adjourned
11/17/2003
11/24/2003
11/25/2003
12/01/2003
12/02/2003

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard).

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COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue items scheduled for this morning's session. Requests to continue items scheduled to be heard at this afternoon's session will be taken at 2:00 p.m.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59.

ORDINANCES TO BE INTRODUCED:

Items 60, 61, and 62.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * ITEM-50: Exempting One Program Manager Position from the Classified Service for the Water Department.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-62)

Exempting the position of Program Manager from the classified service for the Water Department and declaring it to be in the unclassified service of the City of San Diego, pursuant to San Diego Charter Section 117(a)17.

- * ITEM-51: Exempting One Program Manager Position from the Classified Service at Qualcomm Stadium.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-63)

Exempting a Program Manager position at Qualcomm Stadium from the classified service and declaring it to be in the unclassified service of the City of San Diego, pursuant to the San Diego Charter Section 117(a)17.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-52: Optimization of Sewer Spill Reduction Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/1/2003. (Council voted 9-0):

(O-2004-64)

Amending Ordinance No. O-19201 (New Series), as amended, to convert 38 limited staff positions in the Metropolitan Wastewater Department to permanent positions and retain 19 of 29 limited staff positions beyond Fiscal Year 2004.

* ITEM-53: Beyer Boulevard Rezoning.

(RZ No. 10375. San Ysidro Community Plan Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/02/2003. (Council voted 8-0. Councilmember Lewis not present):

(O-2004-65)

Rezoning 2.53 acres located on the north side of Beyer Boulevard east of Precision Park Lane, within the San Ysidro Community Plan Area, from the I-1 Industrial Zone into the RM-2-5 Medium Density Residential Zone, as defined by San Diego Municipal Code Section 131.0406.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-54: Walgreens 32nd Street Rezoning.

(RZ No. 9055. Greater North Park Community Plan Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/9/2003. (Council voted 9-0):

(O-2004-76)

Rezoning 0.16 acres located on the west side of 32nd Street between University Avenue and Lincoln Avenue, within the Greater North Park Community Plan Area, in the City of San Diego, California, from the Mid-City Planned District Ordinance MR800B Zone into the Mid-City Planned District Ordinance CN-1 Zone, as defined by San Diego Municipal Code Section 103.1505.

* ITEM-55: Dedicating City-Owned Land as Public Park – Home Avenue Park Site.

(Mid-City and City Heights Community Areas. District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-66)

Setting aside and dedicating City-owned land, known as Home Avenue Park Site in the City of San Diego, California, for a public park.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-56: Two actions related to the Agreements Relating to the Construction of Phase I -
Pershing Middle School Joint Use Facility.

(Navajo Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 12/8/2003. (Council voted
8-0. Councilmember Inzunza not present):

Subitem-A: (O-2004-74)

Authorizing the City Manager to execute a First Amendment to Joint Use
Agreement with the San Diego Unified School District for the construction,
operation, maintenance, and lease of turf fields and recreational facilities at
Pershing Middle School.

Subitem-B: (O-2004-75)

Authorizing the City Manager, contingent on San Diego Unified School District
approval of the amended Joint Use Agreement, to execute an agreement with
Superior Ready Mix, for the construction of Phase I of the Pershing Middle
School Joint Use Facility (Project) on Work Order No. 295310;

Authorizing the expenditure of an amount not to exceed \$879,925 from
CIP-29-531.0, Phase I of the Pershing Middle School Joint Use Facility, for the
purpose of providing funds for the above-referenced Project, upon the execution
of the amended Joint Use Agreement by both parties;

Declaring that the City Council accepts and thanks Pershing Middle School
Foundation Superior Ready Mix, and Forevergreen Athletic Fields of the West for
their generous donations of time, materials and funds, acknowledging that without
their involvement and commitment this project would not have come to fruition.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-57: Amendment to the Public Use Lease for Parcel A – Las Americas.

(San Ysidro Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/9/2003. (Council voted 9-0):

(O-2004-77)

Approving the Amendment to the Public Use Lease "Parcel A" with International Gateway Associates.

* ITEM-58: Amending the San Diego Municipal Code Relating to Signs.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/1/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-67)

Amending Chapter 9, Article 5, Division 1, of the San Diego Municipal Code by amending Section 95.0107; amending Chapter 12, Article 6, Division 2, by adding Section 126.0207; amending Chapter 12, Article 6, Division 4, by adding Section 126.0406; amending Chapter 12, Article 9, Division 7 by adding Sections 129.0731 and 129.0732; amending Chapter 12, Article 9, Division 8 by adding new Sections 129.0808 and 129.0809 and renumbering current Sections 129.0808, 129.0809, 129.0810, 129.0811, 129.0812, 129.0813, and 129.0814 to new Sections 129.0810, 129.0811, 129.0812, 129.0813, 129.0814, 129.0815, and 129.0816, respectively; and amending Chapter 14, Article 2, Division 12, by amending Section 142.1210, all relating to signs.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-59: Amending the San Diego Municipal Code Relating to Installation of Fire Sprinklers in High-Rise Buildings.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/8/2003. (Council voted 8-0. Councilmember Inzunza not present):

(O-2004-78 Cor. Copy)

Amending Chapter 5, Article 5, Division 10 of the San Diego Municipal Code by amending Section 55.1003, pertaining to Fire Protection and Prevention.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-60: Amend Municipal Code Section 26.16, Concerning Citizens Equal Opportunity Commission.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-35)

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by amending Section 26.16, relating to Citizens Equal Opportunity Commission.

CITY MANAGER SUPPORTING INFORMATION:

The Citizens Equal Opportunity Commission voted in July of 2003 to amend its establishment language in Municipal Code Section 26.16 to create a more inclusive make-up of commission's body. An ordinance is required to be authorized by the Mayor and City Council in order for this amendment to take effect. The proposed amended language is as following:

§ 26.16 Citizens Equal Opportunity Commission

(a) [No change in text]

(b) Citizens Equal Opportunity Commission Established. There is hereby established a Citizens Equal Opportunity Commission which shall consist of eleven (11) members who shall serve without compensation. The Board shall include one (1) representative from each of the following minority groups: ~~Mexican American~~ Latino, ~~Black~~ African-American, Filipino, American Indian, ~~and Asian/Oriental~~ Pacific Islander, ~~Disabled, and Lesbian/Gay/Bisexual/ Transgender.~~ The remaining ~~six (6)~~ four (4) members shall be appointed from the City at large. The members shall serve two (2) year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such manner that the terms of not more than six (6) members shall expire in any year. The expiration date of all terms shall be January 1. During January of each year, the Mayor may designate one (1) member as Chairman; however, in the absence of such designation, the Board shall on or after February 15 select a Chairman from among its members. Any vacancy shall be filled for the unexpired term of the member whose place becomes vacant. The Board shall adopt such rules, regulations and organizational structure for the conduct of its business as it may deem necessary.

(c) [No change in text]

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

- * ITEM-61: Amending the San Diego Municipal Code to Add a Member to the Balboa Park Committee.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-80)

Introduction of an Ordinance amending Chapter 2, Article 6, Division 0 of the San Diego Municipal Code by amending Section 26.30 (f), pertaining to the Park and Recreation Board.

CITY MANAGER SUPPORTING INFORMATION:

On November 5, 2001, the San Diego City Council approved an amendment to Municipal Code 26.30 (f), allowing the reformation of the Balboa Park Committee to its present configuration. The area represented by the various members is very specific as noted below:

- 1) The Mayor shall appoint one member from among the members of the Park and Recreation Board who shall be designated as Chair.
- 2) The Mayor shall appoint one member who shall be designated Vice-chair.
- 3) The Mayor shall appoint three members from a list of at least four nominees provided by the Councilmember representing the majority of the area in Balboa Park.
- 4) The Mayor shall appoint three members from planning groups officially recognized by the City pursuant to Council Policy 600-24 as follows:
 - a) one member from the planning group representing the Uptown Neighborhood
 - b) one member from the planning group representing the North Park Neighborhood
 - c) one member from the planning group representing the Golden Hill Neighborhood
- 5) The Mayor shall appoint one member from the Balboa Park/Morley Field Recreation Council.
- 6) The Mayor shall appoint one member representing a large institution in Balboa Park and one member representing a small or mid-sized institution in Balboa Park.

On July 22, 2003, Councilmember Toni Atkins requested that City Manager Michael Uberuaga initiate an amendment to the Municipal Code Section 26.30 (f), allowing for the appointment of a representative from the Centre City Advisory Committee to the Balboa Park Committee.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-61: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

In her memo to Mr. Uberuaga, she stated: "When the City Council re-formed the Balboa Park Committee in 2001, to include designated representatives from various Balboa Park stakeholders groups, there was general agreement that a representative from Downtown should be added to the committee after a community planning group was formed for Downtown. The Centre City (CCAC) was subsequently formed as the Community planning group for the area of Downtown that is adjacent to Balboa Park."

CONCLUSION

The Manager recommends that the City Council approve the proposed amendments to Municipal Code 26.30 (f) to allow representation for the downtown community on the Balboa Park Committee.

Herring/Oppenheim/GS

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-62: Cherokee Point Elementary School Joint Use Agreement.

(Mid City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-60)

Introduction of an Ordinance authorizing an Agreement with the San Diego Unified School, for the construction, operation, maintenance, and lease of turfed fields, paved parking area, and recreation facilities at Cherokee Point Elementary School.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The proposed facilities at Cherokee Point Elementary School will be developed and maintained through this twenty five (25) year no fee lease and joint use agreement with the San Diego Unified School District (SDUSD). The SDUSD approved this agreement at their meeting on November 19, 2003.

Cherokee Point Elementary School is bounded on the north by Wightman Street, the south by Landis, the west by 38th Street and the east by the alley between 39th and 40th Streets. The terms for the agreement allow for the design, construction, operation and maintenance of an approximately 1.76 acres of irrigated and turfed multi-purpose playing fields and approximately 0.79 acres of paved parking.

City and District have been cooperating in the use of numerous recreational facilities in accordance with the City-District Recreation Agreement of September 1948, and the Memorandum of Understanding between the City and District for the Development and Maintenance of Joint Use Facilities (MOU) adopted by the San Diego City Council on October 7, 2002 (Resolution No. R-297149) and by the District's Board of Education on October 8, 2002, incorporated by reference.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-62: (Continued)

FISCAL IMPACT:

The annual maintenance costs at the Cherokee Point Elementary School site are consistent with the Financial Contribution formulas contained in the MOU and are estimated to be \$14,080 per year. Funding will be requested for FY 2005 as a new facility.

Herring/Oppenheim/MM

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS:

* ITEM-100: Proposed 2004 State and Federal Legislative Programs.

(See memorandum from Andrew Poat dated 11/26/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-679)

Approving the Proposed 2004 State and Federal Legislative Programs as set forth
in the Memorandum of the Governmental Relations Department dated
November 26, 2003.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 12/3/2003, RULES voted 5 to 0 to approve all of the City Manager's recommendations.
(Councilmembers Peters, Atkins, Maienschein, Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-101: Inviting Bids for the Construction of the Balboa Trunk Sewer.

(See memorandum from Scott Tulloch dated 10/21/2003. Clairemont Mesa Community Area. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-597)

Approving the plans and specifications for the Construction of the Balboa Trunk Sewer (Project) on Work Order No. 177101;

Authorizing the City Manager to establish contract funding phases, and execute a contract with the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$5,741,000 from Fund No. 41506, CIP-46-196.6, Balboa Trunk Sewer, for the purpose of providing funds for the Project and related costs in the following manner:

- \$ 665,000 from Fiscal Year 2004 appropriations
- \$5,076,000 from Fiscal Year 2005 appropriations, contingent upon approval of the Fiscal Year 2005 operating budget of the originating department.

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice from the administering department.
(BID-K041209C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. Councilmember Lewis not present.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

SUPPORTING INFORMATION:

This project is a part of the City of San Diego's ongoing program to rehabilitate and upgrade trunk sewers which are approaching their peak flow capacities.

The existing Balboa Avenue Trunk Sewer has reached its capacity, and there is a potential risk of overflow in two locations. In compliance with Council Policy 400-13 and 400-14, a redirection of flow study and cost benefit analysis of alternatives was prepared and the most appropriate alternative was selected. The northern segment of construction consists of the installation of 5,000 feet of 18-inch sewer main parallel to the existing 12-inch which will remain in service. The new pipe begins at the intersection of Rolfe Road and continues along Willamette Ave., Clairemont Mesa Blvd., Clairemont Dr., Joplin Ave., Pocahontas Ave., and Mabon Place. Also, the project will replace 730 feet of 8-inch sewer in Willamette Ave. between Rolfe Rd. and Piute Ave. The southern segment consists of constructing 1,600 feet of tunnel with a 24-inch sewer in the area of Balboa Ave., west of Moraga Ave., to tie to the existing 72-inch Morena Blvd. Trunk Sewer. The project will also replace 320 feet of 8-inch sewer on Monair Dr. east of Moraga Ave. Following construction, 1,400 feet of 15-inch and 350 feet of 8-inch sewer will be abandoned.

The Clairemont Mesa Planning Group Community reviewed and approved the project. An access maintenance path for the existing trunk sewer segment within Stevenson Canyon is being prepared under a separate contract.

FISCAL IMPACT:

The total estimated cost of this project is \$5,741,000. This project is scheduled to be phase-funded over FY 2004 to FY 2005. Funds of \$665,000 for Phase I (FY 2004) are available in Fund 41506. CIP-46-196.6 Balboa Trunk Sewer. Funds of \$5,076,000 are available in FY 2005 pending Council approval of the FY 2005 CIP Budget.

Mendes/Tulloch/MM

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-102: Inviting Bids for the Construction of Mid City Transit Gateways Project, Phase 2.

(City Heights, Normal Heights, and Kensington Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-676)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Mid City Transit Gateways Project, Phase 2 (Project) (CIP-39-232.0);

Authorizing the City Manager, contingent upon Authorization to Proceed with Construction and a fully executed Program Supplement from CalTran, to execute a contract with the lowest responsible bidder for Phase 2 of the Project which will enhance the freeway bridge decks over Highway I-15 at El Cajon Boulevard and University Avenue with transit shelters and other pedestrian amenities and community identification signage.

CITY MANAGER SUPPORTING INFORMATION:

The Mid City Transit Gateways Project (Project) is funded by a Federal TEA21 enhancement grant of \$4,255,000 and a City TransNet match of \$534,000. Phase 1 of the project is complete and added landscape improvements to the medians on El Cajon Blvd. between I-15 and 43rd St. Phase 2 of the project will enhance the freeway bridge decks over I-15 at El Cajon Boulevard and University Avenue with transit shelters and other pedestrian amenities and community identification signage.

This Council Action would approve the plans and specifications and authorize advertising for construction bidding contingent upon receipt of Authorization to Proceed with Construction and a fully executed Program Supplement from CalTrans. The Request for Authorization to Proceed was submitted to CalTrans on November 25, 2003, and authorization is expected within two months.

Design for the project was decided by consensus at four community-wide workshops held over a period of two years and at Advisory Committee meetings that were held bi-monthly.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

FISCAL IMPACT:

No fiscal impact with this action. A 1472 awarding the contract will contain all information related to Fiscal Impact and the actions that will need to be taken.

Herring/Cunningham/SMD

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

- * ITEM-103: Metro Biosolids Center Access Platforms and Hoists Installation & Lime Mixers Modification.

(See memorandum from Scott Tulloch dated 11/12/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-671)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$643,731 from Sewer Fund 41509, CIP-41-928.0, Pump Stations 1 and 2 Large Value Replacement Project, and an amount not to exceed \$544,627 from Sewer Fund 41509, CIP-42-911.4, Metro Biosolids Center for a total amount not to exceed \$1,188,358 to Sewer Fund 41509, CIP-42-913.0, Annual Allocation Metro Biosolids Center.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. Councilmember Lewis not present.)

SUPPORTING INFORMATION:

The Metro Biosolids Center (MBC) is the City of San Diego's state-of-the-art regional biosolids treatment facility. The facility is located adjacent to the City's Miramar Landfill in the Kearny Mesa Community of San Diego. The MBC thickens, digests, and dewateres biosolids received from North City Water Reclamation Plant (NCWRP) and the Point Loma Wastewater Treatment Plant (PLWTP). This dewatering process produces biosolid cake which is transferred under high pressure to a biosolids storage and truck loading facility. The biosolids are stored in eight silos and/or two weight bins prior to being loaded into trucks for disposal. Currently the MBC produces an estimated 110 tons of dewatered biosolids a day.

This action requests Council approval to transfer funds into CIP Annual Allocation Metro Biosolids Center to provide for the following two projects:

- (1) The first project will provide metal grate platforms and landings with handrails to provide safe access to the grit teacups, foul odor fan, and other equipment at the Centrifuge/Dewatering Biosolids (CDBS) Facility for an estimated cost of \$912,358.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

SUPPORTING INFORMATION: (Continued)

This project also includes the installation of two one (1) ton bridge cranes and hoists, one to service the valves at the grit teacups area and the second to service the sludge screen area. Both systems will have the capability of moving equipment (valves, pipe spools, instruments) safely from their respective areas to the ground level of the Degritting Room to facilitate maintenance and equipment removal. In addition, some existing ventilation ductwork, conduits, piping, and equipment will be relocated to accommodate the installation of the platforms and the travel of the bridge cranes.

(2) The second project is to modify the lime mixers and associated piping for an estimated cost of \$276,000. Failure of a lime mixer requires significant time and effort to repair equipment and return truck loading bay to service. This storage and transfer of biosolid cake to the trucks is critical to MBC's operations. The proposed modification will significantly reduce down time of the truck loading bays and disruptions to the dewatering process.

Funds are available for transfer from the original MBC CIP, which is completed, and the Pump Stations 1 & 2 Large Valve Replacement Project, which has been postponed due to scope modifications.

FISCAL IMPACT:

This request is for \$1,188,358 of which \$643,731 is available in Sewer Fund 41509, CIP-41-928.0, Pump Stations 1 & 2 Large Valve Replacement Project, and \$544,627 is available in Sewer Fund 41509, CIP-42-911.4, Metro Biosolids Center.

Mendes/Tulloch/AS

Aud. Cert. 2400575.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

- * ITEM-104: Two actions related to Additional Funding for Sewer Pump Station 30A Alternative.

(See memorandum from Frank Belock, Jr. dated 11/4/2003. University City Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-681)

Approving Change Order No. 9, dated September 23, 2003, issued in connection with the contract between the City of San Diego and Vadnais Corporation for the construction of Sewer Pump Station 30A Alternative (Project); and approving the changes therein set forth, amounting to a net increase in the contract price of \$445,137.80, and an extension of time of 120 working days, extending the completion to 748 working days;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$657,505.80 from Sewer Fund 41506, CIP-46-106.0, Sewer Pump Station Annual Allocation, to Sewer Fund 41506, CIP-46-200.0, Sewer Pump Station 30A Alternative;

Authorizing an additional expenditure of an amount not to exceed \$657,505.80 from Sewer Fund 41506, CIP-46-200.0, Sewer Pump Station 30A Alternative, solely and exclusively for construction and related costs for the Project.

Subitem-B: (R-2004-682)

Stating for the record that the information contained in the final Mitigated Negative Declaration, LDR-98-0911, including any comments received during the public review process, has been previously reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of Change Order No. 9 for the Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

On April 16, 2001, City Council approved the advertising and award by Resolution No. 294764, the construction of Sewer Pump Station 30A-Alternative Project. This project includes the replacement of Pump Station 30A with a gravity sewer system. This project was initiated due to exceeding amounts of maintenance problems. The construction of this project is over 90% complete.

During proposed tunneling work underneath the I-5 median, an undocumented 24-inch RCP storm drain was encountered and damaged. It was determined that the only feasible solution to this conflict is to relocate the storm drain. Change Order No. 9 includes the relocation and construction of approximately 300-feet of 24-inch storm drain within the I-5 median between La Jolla Village Drive and Nobel Drive, including implementation of traffic control on the I-5, demolition and reconstruction of concrete barrier, removal and replanting of existing vegetation within the median and all inspection fees incurred by Caltrans. Change Order No. 9 also includes adjustments to contract bid items for actual quantities incurred during construction. The total cost for Change Order No. 9 is \$445,137.80.

Additional costs of \$212,368 are required for the construction management and inspection, as a result of this changed condition and others. The changes include: encountering difficult soil conditions resulting in an extension to the Contractor's original construction schedule, preparing additional Request for Proposals, reviewing and processing Requests for Information and Change Orders, and additional coordination with property owners in the project area.

The total amount being requested is \$657,505.80, \$445,137.80 for Change Order No. 9 and \$212,368 for construction management and inspection of all changed conditions.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

FISCAL IMPACT:

The total cost of this project is \$9,196,903.56 of which \$8,539,397.76 which was previously authorized by Council Resolutions. This Request of \$657,505.80 is available in Fund 41506, CIP-46-200.0.

Loveland/Belock/HR

Aud. Cert. 2400557.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

- * ITEM-105: Transfer of Funds - Torrey Pines Golf Course and Qualcomm Stadium Fuel Tanks Procurement.

(Mission Valley and Torrey Pines Community Areas. Districts-1 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-625)

Authorizing and directing the City Auditor and Comptroller, in accordance with the 2004 Appropriation Ordinance, to amend the Capital Improvement Program budget for Fiscal Year 2004 to increase CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by the amount of \$38,757.93;

Authorizing and directing the City Auditor and Comptroller to transfer the amount of \$20,923.83 from Golf Course Enterprise Fund No. 41400 and the amount of \$17,834.10 from Qualcomm Stadium Operations Fund No. 10330, both to Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks;

Authorizing the expenditure of an amount not to exceed \$38,757.93 from Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage Tanks, solely and exclusively, to provide funds for procuring new fuel tanks at Torrey Pines Golf Course and Qualcomm Stadium.

CITY MANAGER SUPPORTING INFORMATION:

This action provides for the transfer of funds from the Torrey Pines Golf Course and Qualcomm Enterprise Funds to the Underground Storage Tank CIP. These Funds will be used to purchase new aboveground fuel tanks. The installation of these tanks have been approved by previous Council actions.

FISCAL IMPACT:

Funds are to be transferred in the amount of \$20,923.83 from Fund 41400 and \$17,834.10 from Fund 10330 to CIP-33-084.0, Underground Hazardous Materials Storage Fund 30244. Funds will then be expended from CIP-33-084.0 in an amount not to exceed \$38,757.

Loveland/Hays/SC

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

Aud. Cert. 2400583.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

- * ITEM-106: FBA Credit and Reimbursement Agreement with D. R. Horton San Diego Holding Company for Del Mar Heights Road Pipeline Relocation.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-445)

Authorizing the City Manager to execute a FBA Credit and Reimbursement Agreement with D. R. Horton San Diego Holding Company for Del Mar Heights Pipeline Relocation;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2004 Capital Improvement Project Budget by adding CIP-70-965.0, Del Mar Heights Pipeline Relocation;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,574,494.43 from Facilities Benefit Assessment Fund 79015, CIP-70-965.0, Del Mar Heights Pipeline Relocation, for the purpose of providing funds for the above-referenced project, consistent with the timing established in the most recently adopted Torrey Highlands Public Facilities Financing Plan, contingent upon the City Auditor and Comptroller certifying that those funds are on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

D. R. Horton San Diego Holding Company has agreed to complete that portion of the Del Mar Heights Road Pipeline Relocation falling within the portion of Carmel Valley Road that crosses the Torrey Del Mar subdivision (TM 98-0250) and that portion extending approximately 600 feet east of Torrey Del Mar within Carmel Valley Road. The project, identified as U-2 in the adopted Fiscal Year 2003 Torrey Highlands Public Facilities Financing Plan, was scheduled for Fiscal Year 2003. Consequently, there are sufficient funds available at this time in the Torrey Highlands FBA to reimburse D. R. Horton for constructing the project.

The remainder of Project U-2 has been constructed by another Torrey Highlands developer who is being reimbursed through a separate existing agreement.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

FISCAL IMPACT:

Minimal. The funds needed for this project have been provided through developer fees.

Ewell/Goldberg/GH

Aud. Cert. 2400461.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-107: Consultant Agreement for Preliminary Engineering Analysis for Genesee Avenue Project.

(North University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-559)

Authorizing the City Manager to execute an agreement with Kimley-Horn and Associates, Inc. in the amount of \$10,000, for the purpose of providing preliminary engineering and traffic analysis services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$10,000 for the agreement from Fund No. 79001, North University City Facilities Benefit Assessment (FBA), CIP-52-594.0, Genesee Avenue - Interstate 5 to Eastgate Mall;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

CIP-52-594.0 entitled "Genesee Avenue – Interstate 5 to Eastgate Mall" is a project that will provide for channelization improvements on Genesee Avenue at locations identified through a consultant prepared traffic study to be accomplished under the agreement. The consultant agreement is the subject of this council action. The Engineering Consultant was selected in accordance with Council Policy 300-07, and the Administrative Regulation 25.60.

FISCAL IMPACT:

The total fee for professional services under this agreement is \$10,000. Funds are available in Fund No. 79001, North University City FBA, CIP-52-594.0, Genesee Avenue – Interstate 5 to Eastgate Mall.

Loveland/Belock/Boekamp

Aud. Cert. 2400508.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-108: Water Resources – Instant Hot Water Delivery System Pilot Project.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-502)

Authorizing the City Manager to accept grant funds from Metropolitan Water District (MWD), in the amount of \$10,996, into Revenue Account No. 76101 (80% of the funds will be deposited at the start of the pilot project and the remaining 20% will be deposited once the pilot project is completed and all required reports are submitted to MWD), for the Instant Hot Water Delivery System Pilot Project;

Authorizing the City Manager to execute the Innovative Conversation Program Funding Agreement with MWD, to carry out the Instant Hot Water Delivery System Pilot Project;

Authorizing the Water Department Director to enter into agreement(s) with homeowner(s) participating in the pilot project, in the form of the Agreement on file in the Office of the City Clerk.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Strategic Plan for Water Supply calls for an increase in water conservation from 13,000 acre feet per year in 1997 to 26,000 acre feet per year by 2005. To that end, the City of San Diego’s Water Department is committed to the exploration of new and innovative ways to reduce water demand through conservation. Point-of-use water heaters and recirculating water systems are a California Urban Water Conservation Council potential BMP. The City’s Water Resources Management Program has been awarded \$10,996 in grant funding from MWD’s Innovative Conservation Program to conduct the “Instant Hot Water Delivery System Pilot Project.” It has been claimed that instant hot water delivery systems can save as much as 15,000 gallons of water per year per average household. The intent of the pilot is to evaluate the effectiveness of these instant hot water delivery systems, and to measure water savings associated with their use. As part of the pilot project up to ten residential installation(s) of the “Laing Thermotech, Inc. Autocirc” instant hot water systems(s) will be installed under the faucet located furthest from the home’s central water heater (requiring the greatest amount of cooled water to be dispensed before the desired hot water arrives at the tap from the central heater).

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-108: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The City will reimburse the property owner should he/she choose to have the Autocirc installed by a professional plumber and/or electrician (if installation of a power supply is required). The pilot project will continue for one year. An initial meter reading will be taken at the residence at the project start, and subsequent meter readings will occur as regularly scheduled according to the billing cycle (bi-monthly). The City will provide MWD with two progress reports and one final report which will include information on project costs, challenges, benefits, results in water savings, conclusions and recommendations.

Mendes/Gardner/KBR

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-109: FY 2003 State Homeland Security Grant Program - Part II, Critical Infrastructure Program.

OFFICE OF HOMELAND SECURITY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-482)

Authorizing the City Manager, or Director of the San Diego Office of Homeland Security, to execute any actions necessary to secure the grant funds from the FY 2003 State Homeland Security Grant Program - Part II, Critical Infrastructure Program.

SUPPORTING INFORMATION:

In April 30, 2003, Secretary of Homeland Security Tom Ridge announced that \$200 million had been made available to the states, localities and U. S. territories through the Office of Domestic Preparedness FY 2003 State-Homeland Security Grant Program-Part II, to reimburse the costs incurred by the states and cities to protect critical infrastructure during the heightened threat period of hostilities with Iraq. The eligible period was from March 17 - April 16, 2003. Fifty percent of California's \$15.9M allocation was required to be passed to localities. The California Office of Homeland Security offered assistance to the City of San Diego in an amount not to exceed \$218,447 to cover the costs incurred for the security details put in place to protect the City of San Diego's critical infrastructure.

The City has submitted the necessary fiscal documentation for the reimbursement and has been approved pending receipt of additional information. In order for the City to receive the reimbursed funds, the California Office of Homeland Security requires a resolution from the Governing Body that authorizes the City Manager and/or the Director of Homeland Security to secure the grant funds on behalf of the City.

Arellano/Lee/DF

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

- * ITEM-110: Accepting Donation from STAR/PAL for La Mirada Elementary School Joint Use Improvements.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-680)

Authorizing the City Manager to accept the generous gifts of \$100,000 from STAR/PAL of NFL Community Football Fields grant funds through the Local Initiatives Support Corporation, to be deposited in CIP-29-657.0, La Mirada Elementary School – Joint Use Improvements, in Fund No. 10365, Public/Private Partnership, for the Project;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$9,820.36 in CIP-29-657.0, La Mirada Elementary School – Joint Use Improvements, in Fund No. 10365, Public/Private Partnership, for the Project;

Authorizing the City Auditor and Comptroller to appropriate and expend \$182,820.36 from CIP-29-657.0, La Mirada Elementary School – Joint Use Improvements, in Fund No. 10365, Public/Private Partnership, for the Project.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the Manager to accept a \$100,000 donation from STAR/PAL to complete Phase I of the La Mirada Elementary School Joint Use Improvements, CIP-29-657.0. STAR/PAL (Police Department's Sports Training Academics and Recreation /Police Athletic League) received the funds as a grant from the NFL Community Football Fields Program through the Local Initiatives Support Corporation (LISC), a non-profit agency which provides technical assistance and funding support to groups throughout the country that are dedicated to economic and social renewal efforts.

The San Diego Park and Recreation Department is partnering with the San Ysidro School District to turn fields at La Mirada Elementary School into turf, irrigated athletic fields. La Mirada Elementary School is the first site for an official Joint-Use Agreement between the City of San Diego and the San Ysidro School District. This is a win/win situation for the school

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

children who will use the fields during school hours and the community who will use the field after school hours.

* ITEM-110: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

STAR/PAL has joined the city and school district partnership to help ensure completion of this vital community resource. A \$378,000 grant from the State of California, along with the \$100,000 donation from STAR/PAL and \$82,820.36 from the Park & Recreation Department Matching Funds Program will allow the City to complete Phase I of the improvement project, including an approximately 60,000 square foot rectangular field for football and other sports activities, a running track and shade trees. Phase II will add a baseball field with backstop and players benches

FISCAL IMPACT:

This action approves an additional \$9,820.36 in CIP-29-657.0, La Mirada Elementary School Joint Use Improvements. The FY 2003 Budget Ordinance No. 019083 previously authorized a \$173,000 increase to the CIP. Following this action, a total of \$560,820.36 will be authorized for expenditure to complete Phase I of the La Mirada Elementary School Joint Use Improvements Project.

Herring/Oppenheim/AP

Aud. Cert. 2400626.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-111: Exclusive Sale of Property to San Diego Unified School District.

(Golden Hill and Logan Heights Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-647)

Authorizing the City Manager to conduct an exclusive sale of and convey to the San Diego Unified School District the C Street Property, consisting of a portion of Lot 48, Block 123 of Choate's Addition;

Authorizing the City Manager to conduct an exclusive sale of and convey to the San Diego Unified School District the Greely Avenue Property, consisting of a portion of Lots 1 and 2, Block 339 of Choate's Addition, two portions of unnumbered lots in Block 44 of H.P. Whitney's Addition, being the east half of Pueblo Lot 1162, and affecting Lot 48, Block 123 of Choate's Addition;

Authorizing the City Manager to execute the four Quitclaim Deeds in favor of the San Diego Unified School District.

CITY MANAGER SUPPORTING INFORMATION:

33rd and C Street Parcel: The City acquired the subject parcel in 1948, via a deed from the San Diego County Tax Collector. The original purchase price was \$26. In 1990, the property was designated for public park use, and is referred to as the C Street Mini-Park. However, the Park and Recreation Department has stated that the parcel does not meet the size criteria as a mini-park, according to Council Policy 700-34, which requires a minimum of 5,000 square feet. The subject unimproved lot is 25 by 140 feet, containing approximately 3,500 square feet. The School District has acquired all contiguous parcels for construction of the new Golden Hill Elementary School. Since no further expansion is possible, and the park does not meet minimum size requirements, there are no current or future plans to develop the site as a park.
(APN 539-562-08)

The School District is offering to purchase the property for \$120,000. City valuation staff has reviewed the offer, and concluded that it is within the upper range of market value for similar parcels on the market.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-111: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Greely Street Parcels: The City acquired the larger of the three parcels (APN 545-662-16) in 1948, via a deed from the San Diego County Tax Collector. The original purchase price was \$39. It has been declared surplus land since 1992. It is triangular shaped, and contains approximately 2,205 square feet. The other two parcels are remnants abutting the alley south of Greely Avenue and contain approximately 250 square feet and 300 square feet each. (APN 545-662-15 & 49)

The School District has requested the sale of these parcels to facilitate construction of Rodriguez Elementary School. The School District is offering to purchase these three parcels for a total of \$32,000. City valuation staff has reviewed the offer, and concluded that it is within the range of market value for similar properties on the market.

FISCAL IMPACT:

1. The amount of \$120,000 will be deposited into Park Service District Fee Fund 11640.
2. The amount of \$32,000 will be deposited into Capital Outlay Fund 302453.

Herring/Griffith/ACG

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-112: Sale of Excess Camino Del Sur (Camino Ruiz) Right-of-Way.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-674)

Authorizing the City Manager, or designee, to sell the property by negotiation to Gondor Investments, LLC, because it is a landlocked parcel;

Authorizing the City Manager, or designee, to execute the grant deed conveying that certain City-owned excess property to Gondor Investments, LLC, for the negotiated price of \$24,375;

Declaring that no broker's commission shall be paid by the City of San Diego on the herein described negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

On March 4, 2002, the City purchased Right-of-Way for the Camino Del Sur (Camino Ruiz) from Western Pacific Housing-Torrey Village Center (WPH) and Gondor Investments, LLC. The City has determined that 0.06 acres, a portion of the original right of way is excess to its requirements for the street. The City has determined that the value of the excess landlocked property is \$24,375 and that the City has negotiated a sale of the property to the adjoining owner at this value.

This action will convey to the adjoining owner, Gondor Investments, LLC, the landlocked excess parcel for \$24,375. This value is equal to the original acquisition price paid by the City in March of 2002 for property that was not landlocked.

FISCAL IMPACT:

\$24,375 to be deposited into CIP-52-463.0, FBA Fund No. 39225.

Herring/Griffith/RAG

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

- * ITEM-113: Sewer Easement Vacation in Portions of Lots 8, 14 through 19 of Dos Pueblos Unit No. 1, Map No. 10312 and Portions of Parcels 1 and 2 of Parcel Map 14577.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-635)

Vacating the City's interest in the sewer easement in Lots 8, and 14 through 19 of Dos Pueblos Unit No. 1, Map No. 10312 and in Parcels 1 and 2 of Parcel Map No. 14577.

CITY MANAGER SUPPORTING INFORMATION:

Council is requested to approve the vacation of a sewer easement within portions of Lots 8, 14 through 19 of Dos Pueblos Unit No. 1 Map No. 10312 and portions of Parcels 1 and 2 of Parcel Map No. 14577 as shown on Engineering Drawing 19993-B. This site is located southeasterly of I-805 and Rio San Diego Drive in the Mission Valley Community Plan area in Council District 6. The easement is being vacated in order to more efficiently utilize the property. The sewer easement was granted to the City by deed at no cost to the City. The 54" sewer main that is located within this easement has been abandoned in place per Public Improvement Drawing No. 25499-D. A Subterranean Facility Abandonment Agreement has been entered into and recorded against the subject property. There is no present or anticipated future use for the easement in its present location.

Staff recommends approval of the vacation.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-114: Sewer Easement Vacation in Lots “E” and “F”, Block 106 of Horton’s Addition, Map 369.

(Centre City Community Area. District-2.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-675)

Vacating the City’s interest in sewer easement in Lots “E” and “F”, Block 106 of Horton’s Addition, Map 369, to unencumber the property and facilitate development of the site.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to approve the vacation of an unneeded sewer easement within a portion of Horton’s Addition, Map No. 369 as shown on Engineering Drawing 20033-B. This site is located northeasterly of 12th Avenue and J Street in the Centre City Community Plan area in Council District 2.

This easement is on private property and the only purpose for this public service easement is to allow the City to construct and maintain facilities within the easement. The project for which the easement was granted has been revised, making the easement unnecessary. The applicant’s approved development requires the sewer easement be vacated. The sewer easement being vacated was granted by deed at no cost to the City.

Staff recommends approval of the vacation.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-115: Sewer Group Job 630 – Sewer Easement Abandonment.

(Southeastern San Diego Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-678)

Authorizing the City Manager, or designee, to execute a quitclaim deed, conveying to the current owners of record all of the City's right, title, and interest in the sewer easements crossing portions of Lots 1 through 3, and Lots 42 through 46 of Block 114 of E. W. Morse's Subdivision Map 547, for the purpose of vacating and abandoning the easements no longer required by the City due to the relocation of the sewer.

CITY MANAGER SUPPORTING INFORMATION:

City Sewer Group Job 630 included relocating a portion of the City's sewer main crossing private properties in the block West of 32nd Street between "F" & "G" Streets into the adjacent streets and alleys.

The relocation of the sewer main is now complete. The sewer easements crossing the private properties that were obtained at "no cost" to the City in the early 1900's are no longer needed.

This action authorizes the City Manager to execute a Quitclaim Deed conveying the City's interest in the sewer easements that are no longer required back to the current owners of record of the properties involved.

FISCAL IMPACT:

None.

Herring/Griffith/SAC

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-116: Symbolic Flag of the Vietnamese Federation of San Diego.

**MAYOR MURPHY'S AND COUNCILMEMBERS ATKINS' AND MAIENSCHEIN'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2004-670)

Recognizing the flag with three red stripes upon a field of gold serves as the symbolic flag of the San Diego Vietnamese community and the Vietnamese Federation of San Diego on this day of January 13, 2004.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

- * ITEM-117: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-510)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-118: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-520)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

- * ITEM-119: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-524)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- * ITEM-120: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-321)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

* ITEM-121: Declaring a Continued Local Emergency Due to the October 2003 Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-549)

Declaring a Continued Local Emergency due to the October 2003 Wildfires.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

ITEM-150: Two actions related to Alternative Water Sources and Second Amendment to Agreement with Powell/PBS&J for Water Planning/Water Resources Consulting Services.

(See “Water Recycling 2030: Recommendations of California’s Recycled Water Task Force” and letter from Herman C. Collins dated 10/22/2003.)

TODAY’S ACTIONS ARE:

Adopt the resolution in Subitem A and adopt the resolution in Subitem B contingent upon adoption of a resolution in Subitem A:

Subitem-A: (R-2004-440)

Directing the City Manager to conduct a study of one year duration evaluating all aspects of a viable increased water reuse program, including but not limited to groundwater storage, expansion of the distribution system, reservoirs for reclaimed water, livestream discharge, wetlands development, and reservoir augmentation; The study and report of same shall include a general assessment of costs and benefits of such projects including, but not limited to, consideration of public health, public acceptance, water costs, water supply reliability issues, compilation of research/studies concerning reservoir augmentation, and information concerning potential impacts of pharmaceuticals, endocrine disruptors, personal care products, and additional constituents of the wastewater stream on water quality and health; The study and report, when completed, shall be calendared before the Natural Resources and Culture Committee for such action as it deems appropriate.

Subitem-B: (R-2004-699)

Authorizing the City Manager to negotiate and execute a Second Amendment to the Water Planning and Water Resources Agreement with Powell/PBS&J to study all aspects of increased water reuse in preparation for the 2005 update to the Water Reclamation Master Plan, for an additional amount not to exceed \$900,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$450,000 from Water Fund 41500, Unallocated Reserve (Program 765005) to the Water Research and Development Program;

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

ITEM-150: (Continued)

Subitem-B: (Continued)

Authorizing the expenditure of an amount not to exceed \$450,000 from Water Fund 41500 and \$450,000 from Sewer Fund 41506, solely and exclusively to provide funds for the Second Amendment to the Agreement with Powell/PBS&J, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/19/2003, NR&C voted 5 to 0 to authorize the City Manager to embark on a year long study on all aspects of water reuse, include potable reuse as well as all other alternative water supply issues. The study shall include a general assessment of costs and benefits of such projects including, but not limited to, consideration of public health, public acceptance, water costs, water supply reliability issues, compilation of research/studies concerning reservoir augmentation and information concerning potential impacts of pharmaceuticals, endocrine disruptors, personal care products, and additional constituents of the wastewater stream on water quality and health. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

On November 19, 2003, the City's Natural Resources and Culture Committee heard presentations on Alternative Water Sources and recommended unanimously that the City Manager conduct a study of all aspects of increased water reuse. One of the presentations was on a recently released study entitled "Water Recycling 2030: Recommendations of California's Recycled Water Task Force." To read this report visit: WWW.OWUE.WATER.CA.GOV/RECYCLE/. The City Manager was directed to conduct a year-long study evaluating all aspects of a viable increased water reuse program, including but not limited to: groundwater storage, expansion of the existing distribution system, reservoirs for reclaimed water, livestream discharge, wetlands development, and reservoir augmentation.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM (Continued)COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

ITEM-150: (Continued)

SUPPORTING INFORMATION: (Continued)

The study and report will include the following: a general assessment of costs and benefits of such projects, consideration of public health, public acceptance, water costs, water supply reliability issues, compilation of research/studies concerning reservoir augmentation, information concerning potential impacts of pharmaceuticals, endocrine disruptors, personal care products, and additional constituents of the wastewater stream on water quality and health. It is recommended that the agreement with Powell/PBS&J be amended to add these items and prepare the Water Reuse Program Master Plan 2005 (Master Plan 2005).

The most recent Updated Water Reclamation Master Plan was approved by the City Council in 2000 with an update due in 2005. On June 2003, City Council approved (R-298116) the first amendment to the Powell/PBS&J contract to prepare an updated reuse master plan with the objective to maximize available use of reclaimed water produced at both the North City Water Reclamation Plant and the South Bay Water Reclamation Plant. Prior to November 2003, the scope of this master plan update was limited to non-potable uses such as irrigation per City Resolution (R-291210). On July 24, 1989, City Council adopted Ordinance O-17327 N.S. adding to the Municipal Code Article 4, Division 8, Section 64.0801 et. Seq. The ordinance promoted the use of recycled water. In addition City Council directed the City Manager to prepare and adopt a Water Reclamation Master Plan to define, encourage and develop the use of reclaimed water within its boundaries. The Master Plan is to be updated every five years.

Major categories added to the Master Plan 2005, and their percentage of the effort from this amendment, are listed as follows:

Technical evaluation of reservoir augmentation:	20%
Additional potential uses:	25%
Regional aspect:	2%
Research on health impacts:	32%
Public participation:	21%

FISCAL IMPACT:

Funding for the Second Amendment to the agreement in the amount not to exceed \$900,000 is available in the amount of \$450,000 from the Unallocated Reserve Water Fund 41500 and \$450,000 from the Sewer Fund 41506.

Mendes/Gardner/MAS
Aud. Cert. 2400649.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEM

RESOLUTION:

ITEM-200: San Diego Sustainable Community Program.

(See City Manager Report CMR-04-003.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-673 Cor. Copy)

Accepting the recommendations in San Diego's Cities for Climate Protection Action Plan to decrease greenhouse gas emissions from City operations, as recommended by the Ad Hoc Advisory Committee and described in City Manager's Report CMR-04-003;

Directing City staff to more fully develop those recommendations with a cost-benefit analysis.

ADOPTION AGENDA, DISCUSSION, HEARING

SPECIAL HEARING:

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, DISCUSSION, HEARING

NOTICED HEARING:

ITEM-330: Carmel Valley Trunk Sewer.

Matter of approving, conditionally approving, modifying or denying the replacement and realignment of the Carmel Valley Trunk Sewer located in McGonigle Canyon within the Torrey Highlands and Pacific Highlands Community Planning areas.

(SDP No. 10167/CDP No. 41872/LDR No. 42-1081/PTS No. 6147. Torrey Highlands and Pacific Highlands Ranch Community Plan Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and C; and adopt the resolution in subitem B to grant the permit:

Subitem-A: (R-2004-688)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 4411 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Carmel Valley Trunk Sewer project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-330: (Continued)

Subitem-B: (R-2004-)

Adoption of a Resolution granting or denying Site Development Permit No. 10167/Coastal Development Permit No. 41872, with appropriate findings to support Council action.

Subitem-C: (R-2004-689)

Adoption of a Resolution vacating the general utility and access easement within Parcel 1 of Parcel Map No. 17811 (APN-308-010-24), and the sewer easements described as follows: the sewer easement within Parcel 4 of Parcel Map 18971 (APN-305-031-13), the sewer easement lying within the west half of the southwest quarter of section 15, Township 14 South Range 3 West (APN-305-040-23), the sewer easement lying within Lot 1 of Rancho Del Sol Unit No. 1 (APN-305-060-20), the sewer easement lying within the east half of the west half of the northeast quarter and the northeast quarter of the northeast quarter section 15, Township 14 South Range 3 West (APN-305-041-01), the sewer easement lying within Lot "K" of McMillin Torrey Highlands, Map No. 14322 (APN-306-363-01), the sewer easement lying within Lot "J" of McMillin Torrey Highlands, Map No. 14322 (APN-306-363-01), the sewer easement lying within Lot "R" of Torrey Del Mar Map No. 13978 (APN's 306-011-25, 26, & 28), and the sewer easement lying within Parcel 2 of Parcel Map No. 8133 (APN-306-011-32), as more particularly described on Exhibits "A-1" through "A-9," and shown on Exhibit "B," ;

That the resolution shall not become effective unless and until the applicant relocates and constructs a new sewer line satisfactory to the City Engineer;

That in the event the above conditions are not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-330: (Continued)

Subitem-C: (Continued)

That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall then cause a certified copy of this Resolution with Exhibits "A-1" through "A-9" and Exhibit "B," attested by him under seal, to be recorded in the office of the County Recorder.

OTHER RECOMMENDATIONS:

Planning Commission on December 11, 2003, voted 4 – 0 to approve; was opposition.

Ayes: Garcia, Brown, Lettieri, Ontai

Recusing: Schultz, Steele

Not present: Chase

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

The project requires a Site Development, Coastal Development Permit, and abandon and replace sewer easement for the replacement and realignment of the Carmel Valley Trunk Sewer located in McGonigle Canyon within the Torrey Highlands and Pacific Highlands Community Planning Areas. The project proposes to abandon and replace approximately 14,400 linear-feet of 18 and 21-inch diameter reinforced plastic mortar sewer pipe with 24 and 30-inch diameter upgraded polyvinyl chloride sewer pipe. Necessary manholes, lateral and an access road would be constructed as part of this project. The pipeline would become a City facility once construction is completed and accepted.

Planning Commission Recommendation: On December 11, 2003, the Planning Commission recommended approval of the proposed project to the City Council with the following additional permit conditions:

1. In negotiations with private property owners to acquire easements and right-of-way in favor of the City of San Diego to construct and maintain the Carmel Valley Truck Sewer system, the applicant will make reasonable good faith efforts to simultaneously negotiate in accordance with applicable law to acquire a right of the public to utilize

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-330: (Continued)

SUPPORTING INFORMATION: (Continued)

2. The City Council to look at means in which to prioritize the trail implementation in the next Facilities Benefit Assessment review that would put the trail into an earlier cycle to accelerate funding.
3. A joint program be developed between the various City departments to put the environmental review, the easement agreements, the park maintenance and the other trail issues into a fast-track program.

Community Planning Group Recommendation: There is no recognized Community Planning Group for Torrey Highlands or Pacific Highlands Ranch. Therefore, the project was reviewed by the Carmel Valley Community Planning Board. The Board supports the project in concept and recommends approval of the project with the addition of the conditions provided by the Planning Commission.

Manager's Recommendation: Certify Mitigated Negative Declaration No. 6147 and adopt the Mitigation Monitoring and Reporting Program, Approve Site Development Permit No. 10167, Coastal Development Permit No. 41872, and Approve abandonment and replacement sewer easements.

FISCAL IMPACT:

A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

Ewell/Christiansen/FMM

LEGAL DESCRIPTION:

The project site is described as Parcel 1 of Parcel Map No. 17811, Parcel 1 of Parcel Map No. 9882, the west one-half of the southwest quarter of Section 15, Township 14 south, Range 3 west San Bernardino Meridian, Lot 1 of Map No. 12477, the northeast quarter of Section 15, Township 14 south, Range 3 west, San Bernardino Meridian, Parcel 2 and 4 of Parcel Map No. 8133, and Lots "R," 328, and "M" of Map No. 13978.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT